

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... April 21, 2004
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Mark Hermodson
 Dr. Carl Griffin
 John Knochel
 Lynda Phebus
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 Kathy Vernon
 Kevin Klinker
 Mike Smith
 Vicky Pearl
 Bob Bowman
 Steve Egly

MEMBERS ABSENT

KD Benson
 David Williams

STAFF PRESENT

Sallie Fahey
 Margy Deverall
 Kathy Lind
 Julie Holder
 Jay Seeger, Atty.

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 21st day of April 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey informed the Commission that **Z-2166 Eagles Nest Corp.** had been withdrawn and no further action need be taken. She stated that **Z-2172—Area Plan Commission of Tippecanoe County (Wallace Triangle Neighborhood)** and **Z-2173—Area Plan Commission of Tippecanoe County (Baker and Summers Properties in Buck Creek)** would have to be continued to the May 19th meeting for failure to post the required signs. She said that **S-3461—Barr Minor Subdivision** would have to be continued to the June 16th meeting in order to give DNR time to determine a flood elevation for petitioner's property. She stated that all other cases were ready to be heard.

Jeff Kessler moved to continue **Z-2172—Area Plan Commission (Wallace Triangle)** and **Z-2173—Area Plan Commission (Buck Creek)** to the May 19, 2004 Area Plan Commission meeting. Kathy Vernon seconded and this motion was carried by voice vote.

Jeff Kessler moved to continue **S-3461—Barr Minor Subdivision** to the June 16, 2004 Area Plan Commission meeting. Kathy Vernon seconded and the motion was carried by voice vote.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the March 17, 2004 minutes. Kathy Vernon seconded and the motion carried by voice vote.

III. NEW BUSINESS

A. FINAL DETAILED PLANS

1. RESOLUTION PD 04-09: BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTION 2 (Z- 2076): Final Detailed Plans (final plat only) for a 176-lot addition to the existing single-family residential development. The overall site is located at the northeast corner of Concord Road and CR 450 S, in Wea 15 (NE) 22-4. CONTINUED FROM THE APRIL EXECUTIVE COMMITTEE MEETING.

Jeff Kessler moved to approve **RESOLUTION PD 04-09**. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map and site plan. She read the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no to approve **RESOLUTION PD 04-09.**

B. USO VARIANCE

1. **RAINEYBROOK SUBDIVISION, PART 2, SECTION 2 (S-3269):** Petitioner is requesting a variance from the Unified Subdivision Ordinance to taper the required pavement width from 30-ft. (back of curb to back of curb) to 23-ft. for Wharfside Parkway along Lots 231 and 232. This phase of Raineybrook Subdivision consists of 67 single-family lots (plus 2 outlots) on 34.46 acres, located on the north side of CR 500 S, 3/4 mile west of US 231, in Wea 18 (SW) 22-4.

Jeff Kessler moved to approve the USO Variance, Raineybrook Subdivision, Part 2, Section 2. Kathy Vernon seconded and the motion was carried by voice vote.

Sallie Fahey presented slides of the zoning map and site plan. She read the staff report with recommendation of approval.

Andy Gutwein, PO Box 469, Lafayette, IN 47902, representing the petitioner, stated they agreed with all conditions set forth by the staff. He mentioned that the Tippecanoe County Highway Department has approved of the design of the road. He respectfully asked for approval.

The Commission voted by ballot 13 yes – 0 no to approve the **USO Variance for Rainybrook Subdivision.**

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Mark Hermodson read the meeting procedures.

A. ORDINANCE AMENDMENTS

1. **UZO AMENDMENT #43: (WINERY AMENDMENT):** An amendment to Chapters 1, 2, 3, and 4 of the Unified Zoning Ordinance covering an addition of a land use, wineries, to the UZO. This amendment also includes a minor change to rear and side setbacks in commercial and industrial zones.

Jeff Kessler moved to approve **UZO AMENDMENT #43.** Kathy Vernon seconded the motion.

Sallie Fahey recapped the staff report with recommendation of approval.

Rick Black, 3913 Kensington Drive, Lafayette, IN, stated this was a critical first step to attracting winery tourism. He thanked various public officials, individuals and staff members for helping to create, write and institute this ordinance.

The Commission voted by ballot 13 yes – 0 no to approve **UZO AMENDMENT #43.**

C. REZONING ACTIVITIES

1. **Z-2167—MANN PROPERTIES (Lauren Lakes PD) (R1 to PDRS):** Petitioner, with consent of owners, is requesting the rezoning of 231 acres for a mixed-density single-family residential development with 802 building lots and 26 drainage, utility and

landscape easement lots for an overall density of 3.47 units per acre to be known as Lauren Lakes. The site is located south of CR 500 N between CR 50 W (County Farm Road) and CR 75 E across from Winding Creek Subdivision in Wabash 31 (NE) 24-4 and Tippecanoe 32 (NW) 24-4. CONTINUED FROM THE MARCH MEETING BY PETITIONER'S REQUEST.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 1 aerial photo and 1 site plan. She read the staff report with recommendation of conditional approval contingent on:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans;
5. Street names approved by the post office, 911 and APC;
6. A "No Vehicular Access" statement platted along the street right-of-way lines of the lots served by alleys;
7. Plant schedule approved by the West Lafayette Greenspace Administrator;
8. A layout for the connection between the eastern cul-de-sac and the balance of the development to the satisfaction of the County Highway Department.

Restrictive Covenants – The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

9. The "No Vehicular Access" restriction on the right-of-way lines of lots served by alleys;
10. A no-parking restriction on street K, the north/south collector;
11. A restriction prohibiting conversion of garage space into living space, also enforceable by the Administrative Officer;
12. A correction to page 10 that currently reads "... there shall be maintained a minimum distance between the **side walls** of Dwelling Units of ten (10) feet, ..." instead should read "... there shall be maintained a minimum distance between the **eaves** of Dwelling Units of ten (10) feet, ...";
13. Inclusion of the statement concerning amendments to the planned development: "Notwithstanding anything to the contrary contained herein, there shall be no amendment of the Declarations, nor any change in use or exterior design without prior approval of the Tippecanoe County Area Plan Commission through the planned development process, which includes the possibility of consideration as a minor modification by the administrative officer."

Additional Conditions:

14. A copy of the Articles of Incorporation for the Home Owners Association of Lauren Lakes Planned Development Inc. approved and filed with the Indiana Secretary of State, along with the Certificate of Incorporation.

John Knochel asked the staff why the condition number 7 was included.

Margy Deverall stated she had checked with the Tippecanoe County Building Commission to see if they would want to oversee the installation of plants for this project. She stated that because this department had no one in the department with a degree in horticulture but that Bev Shaw from the West Lafayette Redevelopment Office, who has a degree and background in horticulture, would be glad to oversee the installations of plants in this project.

John Knochel understood.

Margy Deverall read the following letters and e-mails into the record:

DeEtta Hawks, dhawks@pharmacy.purdue.edu. E-mail in opposition.

James, D. Buescher, 216 Sheffield Road, West Lafayette, IN 47906. In opposition.

Patricia Mason, 1323 N. 350 W, West Lafayette, IN 47906. In opposition.

Gerry Dail, 5283 Grapevine Drive, West Lafayette, IN 47906. E-mail in opposition.

Tom and Kathy Fackelman, 4825 Hawthorne Ridge, West Lafayette, IN 47906. In opposition

She also presented a petition signed by 7 people in opposition to the rezoning proposal.

Mike Smith asked why e-mails could not be forwarded on to Area Plan Commissioners.

Jay Seeger responded that any written information needed to be presented at the Public Hearing. He stated any deviation from this practice would take an amendment of the Area Plan Commission By-laws.

Joseph T. Bumbleburg introduced Tim Stevens representing Mann Properties.

Tim Stevens, 8653 Bash Street, Indianapolis, IN, presented power point slides of the proposed development, site plan, various amenities and entrance. He stated that a planned development would be the best way to preserve the natural sites. He stated additionally the buffer yard would provide a total of 5 acres in extra common ground.

Tom Sturmer, 3725 Rome Drive, Lafayette, IN 47905, stated he was a traffic engineer from the Schneider Corporation working on this project. He presented power point slides of traffic patterns in the proposed site. He also presented a second slide that showed the proposed amount of traffic this development would create. He pointed out the three entrances to the development and the consecutive timelines that each one would be created. He spoke of the proposed collector roads that would be built in the future to handle the demands of the increased traffic. He stated the CR 500 could take up to 2400 vehicles/day and it was currently being used by 1000 vehicles/day. He stated that a primary arterial would be developed in 8-10 years and would be able to handle 7500 vehicles/day.

Jennifer Millikan, 4670 Havenpoint Blvd, Indianapolis, IN, stated she represented CP Morgan construction. She stated they have been building since 1983. She presented power point slides of the various type homes that would be constructed in this development ranging from 1700 square feet to 2400 square feet. She also presented power point slides of the varying lot sizes and price ranges of the lots and houses.

Joseph T. Bumbleburg stated that the petitioner has agreed to all the conditions. He pointed out that the planned development process was a cooperation involving many county departments, utilities and emergency departments. He stated that the appropriate fire departments are invited to appear at the meetings or submit questions and comments. He pointed out that by not doing so shows compliance on their part. He stated the mixed-use form of planning is better for the community. He stated that R1, a single-use development, couldn't achieve the plan the petitioners would like to do. He stated mixed-use allows for various quality homes and amenities to reside in the same development. He stated this was good planning and an excellent project. He respectfully asked for approval.

Daniel Teder, PO Box 280 Lafayette, IN 47902, stated he was there on behalf of Winding Creek Development, LLC and that they own 600 acres of property around this proposed development. He pointed out on a location map that 90%-95% of the surrounding properties were R1 developments in various construction phases. He presented a hand out to the members on the commission. He stated that this proposed development would not be a positive move for the area. He stated that the R1B lots in this proposed development would only be 40 feet wide by 50 feet deep. He pointed out that the lots would be even smaller with an alley easement. He pointed out that the wetlands that was going to be set aside for greenspace would have to be developed the same way by any developer because this land could not be built on. He stated if the wetlands were delineated out of the houses/acre ratio it would be closer to 5 houses per acre. He expressed concern for the increased traffic on CR 500 and that vehicles could vary from 4600/day to 12,000/day. He stated that this area needs lower density and increased lot size.

The audience broke out in applause.

Mark Hermodson reminded the audience of the meeting procedures and strongly suggested that correct decorum be followed.

George Hynd, 17 Grapevine Place, West Lafayette, IN 47906, stated that this development was not compatible with the other R1 developments in the area. He expressed grave concern that this development would place undue stress on the Tippecanoe County School system, especially Burnett

Creek Elementary. He stated that possibly 960 new children could be attending Burnett Creek, which would increase enrollment by 200%. He stated this would diminish the quality of education his two children were receiving at this blue ribbon school. He stated if the numbers were calculated properly, according to growth demographics on the Area Plan Commission's website, 1 out of 5 people relocating into Tippecanoe County would have to buy a house in this proposed development. He stated this was unrealistic. He stated his intent was not to halt progress but have a plan that was smart growth for the whole community.

Marvin Foster, 409 Hampshire, West Lafayette, IN 47906, stated his subdivision covenants stated there was to be no pre-fabricated homes in the development. He stated that CP Morgan's homes were pre-fabricated and didn't feel like they should be allowed in this development.

Steve Connors, Winding Creek LLC, 600 N West Lafayette, IN 47906, stated he was the developer for Winding Creek LLC and this proposed development was not compatible with this area. He stated Indiana leads the country in foreclosures and high-density low-entry developments led to even more foreclosures. He stated he talked with seven different people in various counties where CP Morgan builds to learn more about the developer and felt that they were not a good fit for Tippecanoe County. He asked the Commission to vote in opposition of the rezone proposal.

Brian Emmons, 1014 N 9th Street, Lafayette, IN, stated he and his wife had saved for three years to build their dream home and were half way done. He stated a development like this would severely depreciate his home. He stated he had friends who have built a house then they can't sell the old one and they are turning them into rentals or possibly foreclosure. He stated that some of them had to take out a loan to pay off the realtor if the houses did sell. He asked for all those in the room to stand who were opposed to this proposed development.

Many people stood.

Brian Emmons stated that these people live here, pay taxes here, and eat out here in Tippecanoe County. He stated that Mann Properties would take 4 million dollars home with them to Indianapolis and all of their homes would be depreciated in value. He asked that the Area Plan Commission vote no to this rezone request.

James Milikan, 4820 Hawthorne Ridge Drive, West Lafayette, IN 47906, stated he was a retired engineer. He expressed concern for the amount of traffic there would be traveling during rush hour on the one-lane alleys in this proposed development. He stated that this was not good planning. He stated he asked the petitioner how much do owners in the proposed development would have to pay to maintain the roads in the development. He stated that Mann Properties did not know but might be \$200-500 dollars per month. He stated that this would be as high as some of the properties' taxes and stated that some homeowners might not be able to afford that amount. He expressed concern that this might force bankruptcies and that was not good for the area. He asked for the Commission to oppose this request.

Susan Foster, 409 Hampshire Drive, West Lafayette, IN 47906, expressed concern about what a development of this size would do to the volunteer fire departments in the area. She pointed out that part of the development would be served by Battle Ground Fire Department and part by Wabash Fire Department. She stated that this could pose a problem in response time to fires in that development. She stated a development like this in the area would lower the quality of life.

Curtis Chadwick, 16 Flowermound Drive, West Lafayette, IN 47906, expressed concerns for the amount of traffic this development would create. He stated that all the collector roads were in the future but no one was certain when or if they would be built. He stated he asked the Tippecanoe County Highway Department if they had any current plans to upgrade CR 500 and they answered not currently but for the future. He stated that the Commission should not approve this rezone request.

Mark Hermodson summed up all the various concerns and issues the public had brought forth. He asked if anyone else had something new to add.

No one came forward.

Joseph T. Bumbleburg stated that fire safety in this development was high on staff's list when looking over the plans for the development. He stated there was no safety concern that was overlooked for this development. He stated that the schools would be built if the need was there and were built according to population growth. He stated the definition of high-density described by staff was 9 units or more/acre. He stated the proposed development only had 3.47 units/acre. He stated that a traffic plan does exist in Tippecanoe County but the County Commissioners do not have unlimited funds to build everywhere at once. He stated that roads are built as they are needed. He stated that all landowners have the right to develop and build on their property. He stated this was a strong proposal with staff's approval. He respectfully asked for approval of the rezone request.

Jeff Kessler commented that he likes planned developments and all the amenities that can be created with them. He stated that he respectfully disagreed with staff and stated that this was not a good development for the area. He commented that he would negatively vote for this rezone request.

Steve Schreckengast commented that he has a big concern with the one-lane alley and the number of cars that would be using it, especially during high volume times of the day. He stated that a one-lane alley 680 feet long was not good planning. He said that was his main concern with Benjamin Crossing also. He expressed concern for a development that only had entry-level buyers. He stated he was not sure if that was good economic sense. He stated that they should wait and see how well the Benjamin Crossing development worked before they allow this project to be built on the west side.

The Commission voted by ballot 0 yes – 13 no to recommend denial of **Z-2167—MANN PROPERTIES (LAUREN LAKES PD) (R1 TO PDRS)** to the Tippecanoe County Commissioners.

2. Z-2171—HARRY MOHLER (Queen Anne Courts #1, PD)(CB TO PDCC):

Petitioner is requesting rezoning of an existing residential project to Planned Development Condominium Conversion, PDCC. The existing buildings include the former Soller-Baker Funeral Home and two newly constructed buildings to the south and east. The project consists of 42 single-family attached residential units of varying size, one maintenance unit and adjacent parking lot. The two lot development is located at the corner of Alabama and 4th Streets, Lafayette, Fairfield 29 (NE) 23-4.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and 5 site plans.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B-2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans;
5. A "No Vehicular Access" statement platted on Lot two along the street right-of-way lines of Alabama and 5th Street except at the two existing drives, and on Lot one along 4th Street except at the existing drive to the basement unit;
6. Parking landscape plan and plant list approved by the Lafayette Urban Forestry Manager;
7. A note on page two indicating that all 62 spaces would be designated for condo use only along with an apportionment plan indicating how the 62 spaces would be divided among the 42 units;

Restrictive Covenants – The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the condo owners:

8. The "No Vehicular Access" restriction on Lot two along the right-of-way lines of Alabama and 5th Street except for the two existing drives, and on Lot one along 4th Street except at the existing drive to the basement unit;
9. Inclusion of the statement concerning amendments to the planned development: "Notwithstanding anything to the contrary contained herein, there shall be no amendment of the Declarations, nor any change in use or exterior design without prior approval of the Tippecanoe County Area Plan Commission through the planned development process, which includes the possibility of consideration as a minor modification by the administrative officer."

10. Revision of the parking section to reflect that all available parking spaces in the surface lot (62) would be reserved for condo use only along with an apportionment plan indicating how the 62 spaces would be divided among the 42 units and a provision that the parking lot would become property of the Condo Owners Association;

Additional Conditions:

11. A copy of the Articles of Incorporation for the Condominium Owners Association of Queen Anne Courts Inc. approved and filed with the Indiana Secretary of State, along with the Certificate of Incorporation.

Harry Mohler, 839 Main Street, Suite 100 Lafayette, IN, stated that he lives 2 ½ blocks from the project and represented Queen Anne Courts LLC. He accepted the conditions and concurred with the staff report. He said that the construction and design of the project would not change. He explained that the reason for the rezone was to respond to interest in owner occupancy and this would allow them to sell individual units. He pointed out that this would be consistent with the Vision 2020 plans.

Jeff Kessler stated that it takes courage to take on a project such as this and he appreciated the petitioner's courage. He said that this was a good project for downtown.

The Commission voted by ballot 13 yes – 0 no to recommend approval of **Z-2171—HARRY MOHLER (QUEEN ANNE COURTS #1)(CB TO PDCC)** to the Lafayette City Council.

3. **Z-2174—ARNETT CLINIC, LLC d/b/a ARNETT HOSPITAL (A & I3 TO MR):** Petitioner is requesting rezoning of two tracts totaling 144.37 acres for a proposed hospital located on the east side of CR 500 E and southwest of I-65 on both sides of McCarty Lane, Perry 31 (NW) and 30 (SW) 23-3.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Dr. Carl Griffin stated he had a conflict of interest with this case so he would not vote. He proceeded to leave the room.

Sallie Fahey presented slides of the zoning map and 2 aerial photos. She mentioned that a letter from a Chicago attorney John Rosseli was received. She explained that letter stated that he represented the owners of the two key numbers of this site. She said that it was determined that he represented Cat Logistics and when she explained the rezone was for the property north of Cat Logistics he stated that there was no opposition.

Margy Deverall read the staff report with recommendation of approval. She read the following letters into the record:

Lafayette-West Lafayette Chamber of Commerce, Dana Smith, 337 Columbia Street, Lafayette, IN, in favor.

Saddlebrook Development, Derrin Sorenson, PO Box 811, Lafayette, IN, in favor.

Brenneco, INC., Gregory Brenneman, 1759 South 500 East, Lafayette, IN, in favor.

Edith Kelly Carr Flaningam Trust, 133 N. 4th Street, Lafayette, IN, in favor.

Lafayette Bank and Trust, PO Box 1130, Lafayette, IN, in favor.

Daniel Teder, PO Box 280, Lafayette, IN, presented handouts to the Commission. He stated that the President and Chairman of the Board, Jeff Brown was present as well as CEO Fred Titzie. He explained that the handouts show the layout and conceptual design. He mentioned all the letters of support that were previously heard. He pointed out that this request is compliant with the 1987 amendment to the Land Use Plan. He mentioned that Arnett Clinic has been a success in this community for over 80 years. He stated that the intent of this project was to create a state-of-the art hospital including 140 private rooms at a cost of 100,000,000 dollars. He said that they anticipated employing 200 physicians and 250 in 5 years. He commented that one of the goals is the patient's perception of quality of care and to accomplish that they would incorporate a better information center, private rooms, location of sinks, air flow to control disease better, and an efficient layout of the facility. He stated that a lot of citizens travel to other cities for special care and their goal is to have them believe in the new facility and stay in the community. He said that the competition and cooperation with the 2 existing hospitals has worked in the past, but a new facility is needed for the future. He pointed out that the area is very large and would

accommodate future growth and additional parking. He stressed that this would create new jobs for the area. He mentioned that the road could easily handle this especially since McCarty Lane as been improved to 4 lanes. He concurred with the staff report.

The Commission voted by ballot 12 yes – 0 no to recommend approval of **Z-2174—ARNETT CLINIC, LLC ARNETT HOSPITAL (A & I3 TO MR)** to the Tippecanoe County Commissioners.

Carl Griffin returned to the meeting.

4. **Z-2175—MICHAEL YODER (A TO GB):** Petitioner is requesting rezoning of one acre of land located at 7802 SR 38 E, on the north side of the highway approximately ¼ mile east of Dayton, Sheffield 4 (SE) 22-3.

Jeff Kessler moved to approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and 1 site plan.

Margy Deverall read the staff report with recommendation of denial.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, stated that the petitioner intends on opening an auto repair shop. He mentioned that this is a problem building and would remain that way until someone uses it or tears it down. He reviewed the history of the property and its uses. He mentioned that there have not been any inquiries on the property for the use of residential. He pointed out that if this property were used as a residence, the building would have to be torn down and the junkyards across the street moved. He mentioned that this property has been used for some kind of repair for several years. He stated that the building and parking lot were sound and the business can serve this community well. He said that this building is well suited for an auto repair shop. He stated that this would be one owner with one employee. He stressed that this business was needed in this community and would be of little harm to the surrounding areas. He asked for approval.

Paul Winstead 254 Washington Street, Dayton, IN stated that 40 years ago there were 4 repair shops in Dayton and now there are not any. He said that this service was needed in Dayton. He mentioned that this might increase revenue and tax dollars to help clean up the junkyards and possibly annex into Dayton. He stated that he believes the petitioner would run a clean business. He asked for approval.

Randy Scott, 7710 SR 38 E, Lafayette, IN, agreed that there are not repair shops in Dayton, but pointed out that this in the County, not Dayton. He said that he has the adjoining property and there are several nice homes in this area. He stated that wherever there is an auto repair shop, there are always a lot of cars and parts stacked up. He said that he is opposed to this rezone because it would detract from his property and lower his property value.

Lorna Denham, 7814 SR 38 E, Lafayette, IN, presented pictures of the property and pointed out that only 5 feet belong to the property and the rest is State Road easement. She reiterated that this building is non-conforming. She stated that the previous owner stored dump trucks and garbage next to her property and around the back, causing deliveries to be made in the front and in the easement. She explained that all the outside storage is a safety hazard when trying to pull out on to the State Road. She said that she did not want a business in her front yard and enjoyed the country atmosphere.

John Studer, 7720 SR 38 E, Lafayette, IN, stated that he was unaware that there was a sewer system underground. He said that his well and the well for the petitioner's property were on the south side. He explained that he was concerned as to where a sewer system could go on this small site and was afraid that it would be too close to his water supply. He asked for denial.

Jennie Scott, 7710 SR 38 E, Lafayette, IN, informed the Commission that the petitioner approached many of the neighbors and told them that he has not had any opposition. She stated that this is not true and most of the neighbors do disapprove. She said that she did not oppose the previous zoning changes because the previous owner assured her that he would be living there, raising his family and operating a small business. She stated that within a few months of the last zoning change the owner separated the properties and sold the home separate from the business. She said that the current owner does not have

a vested interest in the area like she does and has very little concern for the neighbors. She stated that the petitioner has given very little consideration to the permanent families of the area. She said that her main concern is the traffic and speed limit. She asked for denial.

Phil Denham, 7814 SR 38 E, Lafayette, IN, stated that his driveway is 15' from this property. He said that if a repair shop is needed in Dayton, it should go within the town limits. He stressed that this is a residential area.

Robert Bowman stated that he has mixed feelings on this rezone. He said that he understood the concerns of Randy Scott. He mentioned that he has lived next door to two businesses that are being operated in a residential zone. He agreed that the area was in need of this type of business, but debated whether it should be at this location or in an existing building in town. He reiterated that he had mixed feelings about this petition. He mentioned that he has not been able to get the area he lives in cleaned up or improved

The Commission voted by ballot 0 yes – 12 no and 1 abstention for a vote of 0 yest – 13 no to recommend denial of Z-2175—MICHAEL YODER (A TO GB) to the Tippecanoe County Commissioners.

B. SUBDIVISIONS

1. **S-3453—LANE MINOR SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 2-lot subdivision on 5.957 acres, located on the north side of CR 300 N, ¼ mile west of CR 725 E, in Perry 5 (SE) 23-3. CONTINUED FROM THE APRIL EXECUTIVE COMMITTEE MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and sketch plan.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the CR 300 North right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The Regulatory Flood Elevation and Boundary for the Leslie Ditch Regulated Drain Flood Plain shall be shown as discussed above in "Conformance with UZO Requirements". It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
5. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, concurred with the staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of S-3453—LANE MINOR SUBDIVISION (MINOR-SKETCH).

2. **S-3467—TIPPECANOE SHOPPES SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 2-lot commercial subdivision on 2.41 acres, located at the southwest corner of CR 500 E and SR 26, in Lafayette, Fairfield 25 (NE) 23-4. CONTINUED FROM THE MARCH APC MEETING AT INDOT'S AND PETITIONER'S REQUESTS.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and preliminary plat. She stated that all of the right-of-way issues have been resolved between the land owner, the developer and INDOT.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. A "No Vehicular Access" statement shall be platted along the SR 26 E and CR 500 E right-of-way lines.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded). Also the proposed access easements on the Meijer property to the west and south of the lots must be recorded and referenced.
3. The recordation information from the State's purchase of additional right-of-way along SR 26 must be referenced on the final plat.
4. All required building setbacks shall be platted.
5. The Lafayette corporation line shall be shown and labeled.
6. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Mike Wylie, Schneider Corporation, 3725 Rome Drive, Lafayette, IN, concurred with the staff report and conditions. He reiterated that the right-of-way issues have been resolved with INDOT and asked for approval.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3467—Tippecanoe SHOPPES SUBDIVISION (MINOR-SKETCH)**.

3. **S-3470—HARRISON HIGHLANDS SUBDIVISION, PHASE 1, SECTION 2 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 14-lot addition to the existing single-family subdivision. This 11.57-acre site is located on the north side of CR 600 N and east of CR 50 W, in Tippecanoe 19 (SE) 24-4. CONTINUED FROM THE MARCH MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Steve Schreckengast stated he had a conflict of interest and would not vote. He proceeded to leave the room.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and sketch plan. She stated that the petitioner has requested permission to bond.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 600 N right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All building setbacks shall be platted, including the 40-ft. setback along CR 600 N. If the FP setback variance is granted by the ABZA, it shall be shown with the date approved and case number, otherwise the standard 25-ft. FP setback shall be shown.
5. The Regulatory Flood Elevation and Boundary for the Burnetts Creek Flood Plain shall be shown.
6. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
8. The purpose, ownership and maintenance of Outlot B shall be specified.

Joseph T. Bumbleburg concurred with the staff report and asked for approval.

The Commission voted 12 yes - 0 no to permit bonding for all public improvements.

The Commission voted by ballot 12 yes – 0 no for conditional primary approval of **S-3470—HARRISON HIGHLANDS SUBDIVISION, PHASE 1 SECTION 2 (MINOR-SKETCH).**

Steve Schreckengast returned to the meeting.

4. **S-3482—ORCHARD SUBDIVISION, PHASE 2, SECTION 2 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval to revise 7 lots and 1 outlot, being 3.869 acres in the northeast corner of Phase 2. The overall subdivision is north of SR 26, just west of the CR 250 W intersection, in Wabash 14 (W½) 23-5.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and preliminary plat. She stated that the petitioner has requested permission to bond.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
 2. All required building setbacks shall be platted. For Lots 96 and 102, the 15-ft. front setbacks shall be noted as being authorized by the ABZA, including date approved and case number.
 3. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
 4. The street addresses and County Auditor's Key Number shall be shown.
- SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:
5. The purpose, ownership and maintenance of Outlot F shall be specified.

David Kovich, 1357 Lockwood Drive, Lafayette, IN, concurred with the staff report and asked for approval.

The Commission voted 13 yes - 0 no to permit bonding for all public improvements.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3482—ORCHARD SUBDIVISION, PHASE 2, SECTION 2 (MAJOR-PRELIMINARY)**

5. **S-3485—PATNAUDE SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a 1-lot subdivision on 2.5 acres, located on the north side of CR 460 S, just east of Newcastle Road, in Sheffield 17 (SE) 22-3 (Richardville Reserve).

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and the preliminary plat. She stated that the petitioner has requested permission to bond.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All required building setbacks shall be platted.
3. The street address and County Auditor's Key Number shall be shown.

Joseph T. Bumbleburg presented a map of the situation and reviewed the history. He explained that the owners bought one piece of property and the house was built on another. He stated that this petition was only to correct that problem. He concurred with the staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3485—PATNAUDE SUBDIVISION (MINOR-SKETCH).**

6. **S-3486—WET LAND STRAITS SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a 4-lot subdivision on 6.3 acres, located on the north side of CR 350 S, approximately 1/2 mile east of SR 38, in Sheffield 11 (NE) 22-3.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and the preliminary plat. She stated that the petitioner has requested permission to bond.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following conditions:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 350S right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, concurred with the staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3486—WET LAND STRAITS SUBDIVISION (MINOR-SKETCH).**

7. **S-3487—WATKINS GLEN SOUTH SUBDIVISION, PART 6, PHASE 1 (MAJOR-PRELIMINARY):** Petitioners are seeking primary approval for a 1-lot single-family subdivision on 1.849 acres, located just west of the northwest corner of CR 400 E and CR 200 N, in Fairfield 11 (SE) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and preliminary plat along with the request to vary the road improvement requirements. She stated that the petitioner has requested permission to bond.

Margy Deverall read the staff report with recommendation of conditional primary approval contingent on the following:

Variances

1. A variance to waive the required half-width road improvements to the CR 200 N frontage.

B. Conditions

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. If the above variance is denied, plans for the widening of CR 200 N shall be included in construction plans and the following conditions may also apply.
2. If required, an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the

requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.

3. If required, the County Drainage Board shall approve the drainage plans.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
5. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
6. All required building setbacks shall be platted.
7. The street addresses and County Auditor's Key Number shall be shown.

Bob Gross concurred with the staff report and asked for approval. He explained that the reason for the variance was that it would be an unsafe condition to widen one section of the road.

John Knochel explained that in lieu of putting money in escrow for the short strip of road that was not going to be improved they would move shrubs back in order to improve site distance.

The Commission voted 13 yes - 0 no to approve the variance.

The Commission voted 13 yes - 0 no to permit bonding for all public improvements

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3487—WATKINS GLEN SOUTH SUBDIVISION, PART 6, PHASE 1 (MAJOR-PRELIMINARY)**

V. ADMINISTRATIVE MATTERS

None.

VI. APPROVAL OF THE MARCH EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the May 5, 2004 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3489-REICHART SUBDIVISION (MINOR-SKETCH)

S-3493-MARRIOTT SUBDIVISION (MINOR-SKETCH)

S-3494-TWIN OAKS SUBDIVISION (MINOR-SKETCH)

Kathy Vernon seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

BZA- 1662 MADAM NEW YORK, LLC

BZA- 1663 LEROY B. SCHWARZ AND RONA SCHWARZ TRUST

BZA- 1664 WILLIAM & KATHLEEN POTTS

BZA- 1665 ROD EVANS

Kathy Vernon seconded and the motion carried by voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey presented a written directors report. She reviewed and highlighted the following topics: status of the Land Use Survey, building permits, Hazard Elimination and Safety Grants, status of the Transportation Study and Work Program, the US 231 project, the Transportation Improvement Program and the meeting with FEMA regarding the remapping of all County floodplain maps to digital format. She mentioned that the Annual Report was complete and asked Margy Deverall to comment on the Annual Report.

Margy Deverall thanked Don Lamb for all of his help with the annual report.

Sallie Fahey stated that a prioritized list of Ordinance Committee topics was available for all Commissioners.

IX. CITIZENS' COMMENTS AND GRIEVANCES**X. ADJOURNMENT**

Jeff Kessler moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.
The meeting was adjourned at 10:15 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director